

REMARKS

I. General

Claims 1-13 and 15-33 are pending in the present Application. Claims 1-4, 8-11, 15, 29-31, and 33 are amended herein. Claims 23-28 stand restricted as set forth in the Interview Summary of August 28, 2007. Claims 1-5, 7-11, 13, 23-26, and 29-33 stand rejected under 35 U.S.C. § 102. Claims 6, 12, 14-22, 27, and 28 stand rejected under 35 U.S.C. § 103. Applicant traverses the rejections of record.

Claim 1 has been amended to more clearly establish that the authorization database stores parameters for a plurality of users, wherein the parameters separately limit each user's ability to evidence postage, and wherein the limits on each user's ability are in addition to limits established by the total amount of postage available from the postage evidencing meter. Support for the amended language is present in the specification at, *inter alia*, paragraphs 0007, 0023, and 0024. Claim 1 has further been amended to recite a processor limiting each user's ability to evidence postage using the foregoing parameters to thereby prevent their being read as an intended use. Support for the amended language is present in the specification at, *inter alia*, paragraph 0035. Claims 2-4, dependent from claim 1, have been amended to track the amended language of claim 1. No new matter has been added.

Claim 8 has been amended to recite "at least one" postage meter rather than "one or more" postage meters to avoid possible ambiguity associated with the use of the word "or". Claim 8 has further been amended to more clearly establish that the database stores postage usage parameters for a plurality of users, wherein the parameters separately limit each user's ability to evidence postage. Support for the amended language is present in the specification at, *inter alia*, paragraphs 0007, 0025, and 0026. Claim 8 has also been amended to recite a processor limiting each user's ability to evidence postage using the foregoing parameters to thereby prevent their being read as an intended use. Support for the amended language is present in the specification at, *inter alia*, paragraph 0035. Claims 9-11, dependent from claim 8, have been amended to track the amended language of claim 8. No new matter has been added.

Claim 15 has been amended to more clearly establish that a postage evidencing meter stores postage usage parameters for a plurality of users, wherein the postage usage parameters define different postage evidencing limits with respect to users. Support for the amended language is present in the specification at, *inter alia*, paragraph 0007, 0023, and 0024. Claim 15 has further been amended to recite a processor controlling the user's ability to evidence postage in accordance with the postage usage parameters to thereby prevent their being read as an intended use. Support for the amended language is present in the specification at, *inter alia*, paragraph 0035. No new matter has been added.

Claim 29 has been amended to recite storing postage usage parameters for a plurality of users, wherein the postage usage parameters establish separate postage evidencing limits for users, and wherein the postage evidencing limits are independent of an available postage balance for the postage meter. Support for the amended language is present in the specification at, *inter alia*, paragraphs 0007, 0023, and 0024. Claim 29 has further been amended to recite evidencing a requested postage amount if it is determined that sufficient postage is available in the postage balance and is available in the current period of time based upon the postage usage parameters. Support for the amended language is present in the specification at, *inter alia*, paragraph 0035. Claims 30, 31, and 33, dependent from claim 29, have been amended to track the amended language of claim 29. No new matter has been added.

II. Applicant's Record Under § 713.04 of Telephone Interview With Examiner

Applicant respectfully submits the following record of the telephone interview of August 28, 2007, under M.P.E.P. § 713.04. The following persons participated in the interview: Examiner Eric Liou, Primary Examiner Igor Borissov, and Applicant's Attorney R. Ross Viguet.

The applied references were discussed with reference to the independent claims. Primary Examiner Borissov stated that the present form of claims 1, 8, and 15 set forth database and/or parameter limitations in a manor whereby these limitations might be read as an intended use rather than an affirmative limitation. Applicant's Attorney suggested, pending Applicant's approval, restructuring the claims to set forth these limitations in a

manor so as to avoid their being read as an intended use. Primary Examiner Borissov suggested reciting a processor which utilizes the database/parameters to avoid their being read as an intended use. Primary Examiner Borissov further stated that the user account of claim 29 was not clearly unique to the user and suggested revising the claim to make Applicant's argued distinction more clear. Applicant's Attorney agreed, pending Applicant's approval, to restructure the claim to make the distinction more clear. Primary Examiner Borissov asserted that claims 23-28 were directed to an invention separate and distinct from that of the remaining claims and thus were properly the subject of a restriction requirement. Applicant's Attorney stated that if the restriction requirement were made in writing an election would be made.

III. Election

Applicant notes the restriction requirement made during the telephone interview of August 28, 2007 and as memorialized in the Interview Summary of the same date. Applicant hereby elects claims 1-13, 15-22, and 29-33 for further prosecution.

IV. 35 U.S.C. § 102 Rejections

Claims 1-5, 7-11, 13, and 29-33 stand rejected under 35 U.C.S. § 102(b) as being anticipated by United States Patent Number 5,715,164 to Liechti et al. (hereinafter *Liechti*). However, it is well settled that to anticipate a claim, a reference must teach every element of the claim, see M.P.E.P. § 2131.

Claim 1 recites "a processor operable to access said authorization database and limit each user of said plurality of user's ability to evidence postage using the meter in accordance with corresponding ones of the parameters of said authorization database." Similarly, claim 8 recites "a processor operable to access said database through said communication module and separately limit each user of said plurality of user's ability to evidence postage in accordance with corresponding ones of said parameters." As previously asserted by Applicant, the applied art teaches universal parameters limiting a meter whereby every user using the meter is limited by the same parameters, see column 2, lines 35-45, and column 5, lines 5-11.

Claim 29 recites “storing postage usage parameters for a plurality of users in a postage usage database, wherein said postage usage parameters establish separate postage evidencing limits for users of said plurality of users[, and] determining, based on the selected user’s postage usage parameters, if sufficient postage is available within a current period of time to fulfill the request for the selected user” As discussed above, the applied art teaches universal parameters limiting a meter whereby every user using the meter is limited by the same parameters.

As shown above, the disclosure of *Liechti* is insufficient to meet the limitations of independent claims 1, 8, and 29. Claims 2-7, 9-13, and 30-33 depend directly or indirectly from one of the above independent claims. Accordingly, each of claims 1-13 and 29-33 are asserted to be patentable over *Liechti*.

V. 35 U.S.C. § 103 Rejections

Claims 6 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Liechti* in view of United States Patent publication number 2004/0194154 to Meadors et al. (hereinafter *Meadors*). Claims 12, and 15-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Liechti* in view of United States Patent Publication Number 2004/0098354 to Manduley (hereinafter *Manduley*). The test for non-obvious subject matter is whether the differences between the subject matter and the prior art are such that the claimed subject matter as a whole would have been obvious to a person having ordinary skill in the art to which the subject matter pertains. The United States Supreme Court in Graham v. John Deere and Co., 383 U.S. 1 (1966) set forth the factual inquiries which must be considered in applying the statutory test: (1) determining of the scope and content of the prior art; (2) ascertaining the differences between the prior art and the claims at issue; and (3) resolving the level of ordinary skill in the pertinent art.

Claim 15 recites “storing postage usage parameters for a plurality of users, wherein said postage usage parameters define different postage evidencing limits with respect to users of said plurality of users” and that “the processor of the meter receiving said postage usage parameters controls the selected user’s ability to evidence postage using the receiving meter in accordance with the received postage usage parameters” As discussed above, *Liechti*

teaches universal parameters limiting a meter whereby every user using the meter is limited by the same parameters. *Manduley* does not appear to address the foregoing deficiency in the primary reference.

As shown above, *Liechti* in view of *Manduley* is insufficient to meet the limitations of independent claim 15. Claims 16-22 depend directly or indirectly from claim 15. Accordingly, each of claims 15-22 are asserted to be patentable over *Liechti* in view of *Manduley*.

The deficiencies identified above with respect to *Liechti* and claims 1 and 8 are not addressed by *Meadors*. Accordingly, claims 6 and 14 are asserted to be patentable over *Liechti* in view of *Meadors*.

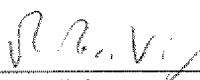
VI. Summary

In view of the above, Applicant believes the pending application is in condition for allowance. Accordingly, Applicant requests that the claims be passed to issue.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2380, under Order No. 61135/P023US/10303235 from which the undersigned is authorized to draw.

Dated: September 7, 2007

Respectfully submitted,

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